

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES V. RYAN IV, on behalf of himself)
and on behalf of others similarly situated,)
Plaintiffs)

v.)

ROBERT J. GARVEY, and PATRICK J.)
CAHILLANE in their individual capacities,)
Defendants)

Civil Action No. 05-30017-MAP

PLAINTIFF'S SECOND MOTION TO AMEND THE CLASS DEFINITION

On March 3, 2006, plaintiffs filed their motion for class certification. On March 27, 2006, the defendants filed a response disputing the size of the putative class. Specifically, the defendants stated that the one person who was held as a witness should not be included in the class because that "individual was serving a life sentence for murder in the state prison system." *See Defs' Resp. at ¶2*. After review of the individual's jail file, plaintiffs agree that the individual does not meet the class definition. *See Pls' Supp. Memo. Ex. A. at ¶3 (Affidavit of Myong J. Joun)*.

Since the parties now agree that the only person who was held as a witness is not a class member, plaintiffs move this Court to amend the class definition to the following:¹

¹ Along with their motion for class certification, on March 3, 2006, plaintiffs filed a motion to amend the class definition. Plaintiffs request that the Court replace that motion with this one.

All persons who were illegally strip searched at the Hampshire Jail and House of Correction from January 18, 2002 to November 7, 2002, under a policy of conducting strip searches without evaluating for individualized reasonable suspicion:

- (1) while waiting for bail to be set or for a first court appearance after being arrested on charges that did not involve a weapon or drugs or contraband or a violent felony; or
- (2) while waiting for a first court appearance after being arrested on a default or other warrant (for example, those issued by the State Parole Board) on charges that did not involve a weapon or drugs or contraband or a violent felony; or
- (3) while held after a finding of civil contempt of court for failure to pay child or spousal support, a judgment, or a fine.

WHEREFORE, plaintiff moves this Court to permit him to amend the class definition in this case.

RESPECTFULLY SUBMITTED,
For the plaintiffs,

/s/ Myong J. Joun

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CERTIFICATE OF CONFERENCE PURSUANT TO L.R. 7.1(A)(2)

Pursuant to L.R. 7.1(A)(2), I certify that I have conferred in good faith with counsel for the defendant in an attempt to resolve the issue that is the subject of the accompanying motion.

/s/ Myong J. Joun

Myong J. Joun